



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 2676**
Masahiro ISHIKAWA et al. : Attorney Docket No. 2005_0023A
Serial No. 10/521,765 : Group Art Unit 1656
Filed January 19, 2005 : Examiner Marsha M. Tsay
PROCESSED SOYBEAN : **Mail Stop AF**
 β -CONGLYCININ PROTEIN

REQUEST TO WITHDRAW FINALITY OF REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

Sir:


The Office Action mailed April 16, 2007 constitutes a final rejection of claims 4-6 and 8. Applicants respectfully submit that the final rejection is improper, since the Examiner has not previously rejected either claim 6 or claim 8 based on the applied reference, i.e. Bringe, US 6,566,134.

The US '134 reference, and the corresponding published patent application (US 2001/0024677) were cited by the Examiner in the Office Action mailed October 20, 2006. Although the Examiner rejected claims 1, 4, 5 and 10 as being anticipated by each of these references, the Examiner did not reject either claim 6 or claim 8 based on either of these references. In responding to that Office Action, in the Amendment filed January 19, 2007, Applicants only amended claim 1. Neither claim 6 nor claim 8 was amended. Claims 6 and 8 are dependent on claims 2 and 6, respectively. Neither claim 2 nor claim 6 was amended in the Amendment filed January 19, 2007. Therefore, the final rejection of claims 6 and 8 could not

have been necessitated by the Amendment filed January 19, 2007, and the final rejection of claims 6 and 8 is improper, and should be withdrawn.

Respectfully submitted,

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